

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IN RE: MYRON ELCARLO EDWARDS,

Appellant.

ORDER

Case No. 17-cv-917-jdp

Appellant Myron Elcarlo Edwards, a prisoner in the custody of the Wisconsin Department of Corrections, has filed a notice of appeal of an order of the bankruptcy court. Appellant seeks to commence this lawsuit without prepayment of the \$298.00 appeal filing fee. Appellant has filed trust fund account statements in support of the motion for leave to proceed without prepaying the fee. After considering the motion and supporting documentation, the court concludes that appellant qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from appellant's trust fund account statements, I conclude appellant's initial partial filing fee to be \$39.18. For this case to proceed, appellant must submit this amount on or before December 29, 2017.

ORDER

IT IS ORDERED that,

1. Appellant Myron Elcarlo Edwards is assessed \$39.18 as an initial partial payment of the \$298.00 appeal filing fee. Appellant is to submit a check or money order made payable to the clerk of court in the amount of \$39.18 or advise the court in writing why appellant is not able to submit the assessed amount on or before December 29, 2017. If

appellant does not have enough money to make the initial partial payment from appellant's regular account, appellant should arrange with authorities to pay the remainder from appellant's release account.

2. If, by December 29, 2017, appellant fails to make the initial partial payment or show cause for failure to do so, appellant will be held to have withdrawn this action voluntarily and the case will be closed without prejudice to appellant filing this case at a later date.

3. No further action will be taken in this case until the clerk's office receives appellant's initial partial filing fee as directed above.

Entered this 7th day of December, 2017.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge